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9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 **UNITED STATES OF AMERICA,**

14 Plaintiff,

15 v.

16 **MICHAEL R. HOFFMAN,**

Defendant.

NO. CV 10-01588 JCS

**STIPULATION TO CONTINUE
ORDER TO APPEAR FOR
EXAMINATION TO
JANUARY 16, 2015 and
~~PROPOSED~~ ORDER**

17 The above entitled plaintiff, through its attorney of record, and the above entitled
18 defendant hereby stipulate to the following:

19 The defendant has been personally served with an Order to Appear for
20 Examination (Examination, hereafter), a copy of which is attached hereto and made a
21 part hereof as Exhibit 1.

22 The purpose of this stipulation is to allow the parties to resolve the matter without
23 the court's involvement, unless the court's involvement becomes necessary.

24 That the Court shall order that the date and time of the Examination shall be
25 continued to Friday, January 16, 2015, at 9:00 A. M.

26 That the Court shall order that the defendant shall personally appear before the
27 court on and at the continuation date and time.

28 That the Court shall order that the defendant shall comply with all other terms of

1 the Order to Appear for Examination.

2 Dated: June 30, 2014 /s/
MICHAEL COSENTINO, Attorney for Plaintiff

3
4 I have read the foregoing, I understand and agree to the terms, and I
5 sign this stipulation as a free and voluntary act.

6
7 Dated: July 7, 2014 
MICHAEL R. HOFFMAN, Defendant and Judgment Debtor

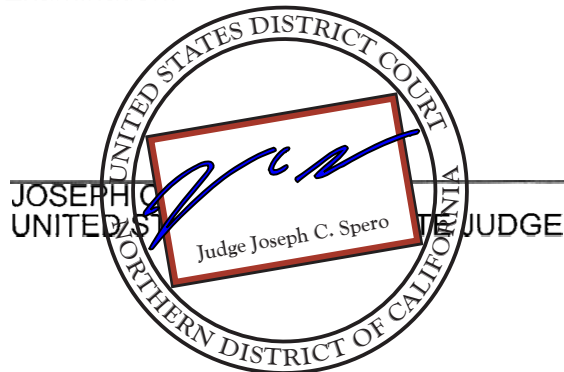
8
9 **ORDER**

10 The foregoing stipulation having been considered and good cause shown,
11 **THE COURT ORDERS THAT** the date and time of the Examination shall be
12 continued to Friday, January 16, 2015, at 9:00 A. M.

13 **THE COURT FURTHER ORDERS THAT** the defendant shall personally appear
14 before the court on and at the continuation date and time.

15 **THE COURT FURTHER ORDERS THAT** the defendant shall comply with all
16 other terms of the Order to Appear for Examination.

17
18
19 Dated: 7/9/14 _____



AT-138, EJ-125

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) MICHAEL COSENTINO, SBN 83253 LAW OFFICES OF MICHAEL COSENTINO P.O. BOX 129 ALAMEDA, CA 94501		FOR COURT USE ONLY
TELEPHONE NO.: (510) 523-4702 FAX NO.: (510) 747-1640 ATTORNEY FOR (Name) UNITED STATES OF AMERICA		
NAME OF COURT: UNITED STATES DISTRICT COURT STREET ADDRESS: 450 GOLDEN GATE AVENUE MAILING ADDRESS: CITY AND ZIP CODE: SAN FRANCISCO, CA 94102 BRANCH NAME: NORTHERN DISTRICT OF CALIFORNIA		
PLAINTIFF: UNITES STATES OF AMERICA DEFENDANT: MICHAEL R. HOFFMAN aka ROBERT M. HOFFMAN aka R MICHAEL HOFFMAN aka R. MICHAEL HOFFMAN		
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person		CASE NUMBER: CV10-1588 SLM

ORDER TO APPEAR FOR EXAMINATION

1. TO (name): **MICHAEL R. HOFFMAN aka MICHAEL ROBERT HOFFMAN**
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
- ☒ furnish information to aid in enforcement of a money judgment against you.
 - ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: **AUGUST 1, 2014** Time: **9:00 AM** Dept. or Div.: **15TH FLOOR Rm.: G**
 Address of court ☒ shown above ☐ is:

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):
 3a. YOU ARE ORDERED TO BRING A COPY OF EACH DOCUMENT IDENTIFIED IN THE ATTACHED LIST. **S&R SERVICES**

Date: 06/20/14

JOSEPH C. SPERO, MAGISTRATE JUDGE
 Judge Joseph C. Spero
 REFEREE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

4. ☒ Judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order
 applies for an order requiring (name): **MICHAEL R. HOFFMAN aka MICHAEL ROBERT HOFFMAN** to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt, and to bring a copy of each *
 5. The person to be examined is *document identified in the attached list.
☒ the judgment debtor
☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
 6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
 7. ☐ This court is not the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
 8. ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: JUNE 17, 2014

MICHAEL COSENTINO

(TYPE OR PRINT NAME)

(Continued on reverse)

(SIGNATURE OF DECLARANT)

EXHIBIT 1

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

**APPEARANCE OF A THIRD PERSON
(ENFORCEMENT OF JUDGMENT)**

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows *(Describe the property or debt using typewritten capital letters)*:

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

LIST OF ITEMS TO BRING TO DEBTOR'S EXAM

1. Earnings statements from your most recent paychecks.
2. Business records for the present year and past calendar year which reflect assets, liabilities, gross receipts and expenses for any sole proprietorship, partnership or corporation in which you, or your spouse, own any interest.
3. Current bank statements for the past 12 months from all banks or other financial institutions, where any sole proprietorship, partnership, or corporation in which you, or your spouse, own any interest, or has an account of any kind.
4. Current bank statements for the past 12 months from all banks, or other institutions, where you, or your spouse, have an account of any kind.
5. All trust agreements in which you, or your spouse, are named trustor, trustee or beneficiary.
6. All deeds, leases, contracts, and other documents representing any ownership interest you, or your spouse, have in any real property, and all deeds of trust, mortgages, or other documents evidencing encumbrances of any kind on your real property.
7. All stocks, bonds, or other securities of any class you may own, by you separately or jointly with others, including options to purchase any securities.
8. Titles to all motor vehicles owned by you or your spouse.
9. All life insurance policies in which you are either the insured or the beneficiary.
10. All promissory notes held by you, and all other documents evidencing any money owed to you either now or in the future.
11. All financial statements furnished by you within the past five years:
12. All deeds, bills of sale, or other documents prepared in connection with any transfer made by you, whether by gift, sale, or otherwise within the last five years.
13. A schedule of all regular expenses paid by you, such as installment debts, food, utilities, etc. Include the amount paid, the payee, and, if an installment debt, the amount of debt owing and any security pledged.
14. All documents evidencing any interest you have in any pension plan, retirement fund, or profit-sharing plan.
15. All records pertaining to your assets and finances.
16. Copies of income tax returns for the past three years.
17. All records of any unincorporated business of which you are an owner or part-owner, or have been an owner within the past three years.